

March 02, 2015

PRESENT: Philip Bean, Chairman  
Mary-Louise Woolsey, Vice-Chairman  
Rick Griffin, Selectman  
Rusty Bridle, Selectman  
Jim Waddell, Selectman  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

### SALUTE TO THE FLAG

Oath of Office for newly appointed Police Sergeant Andrew Jowett

Jane Cypher, Town Clerk, administered the oath of office to Police Sergeant Andrew Jowett.

### I. Public Comment Period

Ute Pineo, 15 Tuttle Avenue: upset that her street has not been cleared very well; health concerns for a neighbor.

### II. Announcements and Community Calendar

Selectman Woolsey: had a very nice letter from a resident of Hampton; stated Fire Department made a wellness call to make sure resident was doing well after storm, resident could not dig out generator; 3 firefighters dug out generator; wonderful Fire Department. Message from Assessor Tinker as of February 12, 2015 as of this date they have added \$44,000,000 in new value and new construction; looking at close to \$60,000,000 in added valuation to date in 2015. Town reports are out and available at the town office.

Selectman Bridle: Hampton Lions Club having auction at Saturday, March 7, 2015 at Ashworth at 6:00. Found website [intheknowhampton.org](http://intheknowhampton.org) about warrant articles to hear about non-biased factual information.

Chairman Bean: received email for event on Seacoast Community Substance Abuse forum, Seabrook Community Center, 311 Lafayette Road, Seabrook, NH; Saturday, March 7, 2015 11-3; free lunch. Hampton Waste Water Treatment Plant; Mike Dube and his organization have been recognized and received 2014 Regional Waste Water Treatment award for excellence.

### III. Consent Agenda

1. 2015 Veterans Tax Credits Re-qualifications: Bisset 24 Thorwald Ave. 227/93, Devine 20 Hampton Meadows 172/6/20; Doyle 23 Boars Head Terr. 266/26; Kutlowski 1 Ashbrook Dr., 14/9; Lake 27 Norton Rd 147/11; Law 36 Exeter Rd 143/13; Lessard

243 High St 178/19; Lishman 359 Winnacunnet Rd 207/43; Malvik 12 Cliff Ave 267/8; Marttile 4 Higgins Lane 110/20; Martin 14 Battcock Ave 281/57/1; Marzinzik 74 Park Ave 191/33; McCarty 17 Holly Lane 192/19; McCaughey 19 Anns Terr 127/70; McConnell 66 Hemlock Haven 138/1/66; McEachern 31 Drakes Landing 124/6/31; McGee 140 Landing Rd 229/2/4; Meads 190 Kings Highway #A17 168/2/A17; Miller 87 Seabury 218/10/87; Monroe 4 Tucker Lane 187/82; Nersesian 12 Bashby Rd 16/5/A; O'Connor 19 Park Ave 190/9; Slosek 463 Ocean Blvd #B2 266/1/82; Small 65 Anns Lane 127/28; Traut 117 Woodland Rd 130/2.

2. Appointment of 3 representatives to the Rockingham Planning Commission for 3 year terms to expire in 2017 as recommended by the Planning Board: Barbara Kravitz; Francis McMahon and Mark Olson.

Selectman Waddell MOVED the Consent Agenda SECONDED by Selectman Bridle.

VOTE: 5-0-0

#### IV. Question of concern regarding Inter-governmental Cooperation – Town/State

Chairman Bean: was issue a couple of weeks ago State Rep. Cushing and others were on board to repeal the pollution control exemption hearings; Commissioner Rose unbeknownst to the town spoke against measure; Commissioner Rose supports keeping that tax dodge; costs the Town of Hampton \$1.2 million dollars, but costs state millions of dollars in education funds.

Selectman Waddell: tough situation, need to work diligently with state representatives and state senator that support us; need to keep relationship going with the state and town; work with chairman and committees.

Selectman Woolsey: thinks that representatives and senators are supposed to be making the laws; problem with state employees and department heads, they should stay out of it and let the legislators do their job.

Chairman Bean: ongoing problem and systemic in his opinion and again this morning the meals and rooms tax sharing didn't go very well; Senator Stiles works very hard and doesn't get the support.

Selectman Griffin: needs to have different way to look at it; it is not going to change; condition of Ocean Boulevard is awful; they don't plow the turnarounds; sick of sidewalk issue, drainage issues; lived there for 50 years and the deterioration is shameful; state and town needs to maintain something normal for the people who live there.

Selectman Bridle: spent 10 years in the NH legislature knows how hard to get anything done; hard for reps.; to get any ground work done; have to get back in touch with reps and ask them to have a meeting down here to hear from constituents and not just from us.

Selectman Waddell: agree with Rusty; we need to figure a way to get this done.

Selectman Woolsey: short changed as a community; have asked for sit downs from the state representatives.

Selectman Griffin: the day they closed Ocean Boulevard, they deposited all the excess snow into the yard of an 80 year old neighbor.

Chairman Bean: testimony this morning in support of Senator Stiles bill; NH liquor stores that we police and provide first responder assets to the state's revenues exceed \$60,000,000 and the tolls again are over \$60,000,000 annually; the meals and rooms tax are \$25,000,000 and we get back \$500,000 or \$600,000; that is money that doesn't get spent in Hampton; doesn't get invested in Hampton; no return for infrastructure; does not include business enterprise tax, business profits tax, real estate transfer taxes; \$200,000,000 gets siphoned up to Concord. On February 12, 2015 I sent email to Mr. Welch requesting a review on platforms we are currently performing government services to State of NH; discussion by leadership to terminate these costly services; we should not provide services for free to any entity, when we are treated with such disrespect; Mr. Welch to prepare the information.

Town Manager Welch: we have tried to work with state on a number of issues; drainage issues on Route 1A, thought it was resolved; thought DES, Army Corp of Engineers and DOT were on board, however, DOT never showed up to do the work; did not pull construction permit that was on their property; haven't maintained infrastructure for 30-40 years; do not cooperate with us; need to bring Route 1A up to standards; we need to talk together to take care of problems caused by state. Need to get everyone here to talk.

Selectman Waddell: I agree, need to get everyone here; state reps, constituents, someone from state.

Selectman Woolsey: joint operations plan which expires next year which she refused to sign; demand the state come down; dumping on us for years; using us; they have walked all over us.

Selectman Bridle: still need to work with them; good idea for them to come down here and work with us.

Chairman Bean: discuss email sent to state by Town Manager Welch on March 9, 2015 will put on agenda, be prepared to bring motions regarding our services.

#### V. Review of Town Budget and Departmental Warrant Articles

Chairman Bean: 39 warrant articles that we participated 97% of our vote was unanimous; 3 nay votes, 2 abstentions.

Town Manager Welch: Default budget that was approved by deliberative session was \$27.1 million that represents an increase to the town, which is necessary; \$160,000 for snow and ice removal and treatment and we are pretty close to \$300,000 bill and does not include the police and fire departments are incurred because of storms, significant change to our budget; deliberative sessions budget restores the selectman's budget; I removed several million and the selectman removed several million more; we have not maintained infrastructure for many years and it is falling apart; budget needs to be approved; warrant article on roads hopefully it passes; need to look what are needs are; if we fixed Exeter Road when it was called for would have cost \$300,000-\$400,000, but was deferred and now will cost \$5,500,000; several other roads in town that are worse; need to start doing things the right way; need to pass budget.

Selectman Waddell: I agree with town manager; with this budget tax payer's benefit; town growing expanding to tax base; in the know Hampton website has good description on the budget; urge people to look at budget and make decision.

Selectman Woolsey: in addition to raising annual budget have to be cognizant of revenues; impact fees; sewer budget; \$60,000,000 added to tax rate, from new development, but with no impact fees set by planning board from these; delayed maintenance cost NH millions; \$60,000,000-\$100,000,000 for new sewer treatment plant if we can't keep the present one going; need to pass budget.

Selectman Griffin: it is as simple as a homeowner knows they have to put money into their home every year or before you know it you are going to be holding short end of stick.

Selectman Bridle: go to website [intheknowhampton.org](http://intheknowhampton.org); a lot of infrastructure in town is in very bad shape; up to voters to invest in town and pass budget; very lean budget but it needs to be passed; encourage everyone to look at budget and get all the information and make up your own mind; give town the money they need to get work done.

Chairman Bean: page 13 of the town governmental reporting; challenges have been identified and courses of actions been given to the voters and citizens of Hampton.

VI. Return to Recessed Public Hearings of February 23<sup>rd</sup> for Lot B for Continuation should the need arise.

Attorney Gearreald: board last week conducted 2 hour hearing, all sides had a chance to speak; the board has heard there are a number of complex legal issues and the board needs to view premises; wrote letter to the attorneys enclosing an opinion of Attorney Peter Laughlin; given the number of issues and their complexities we asked the briefings be filed with the board of selectman by 12:00pm March 20, 2015; if they wish to reply to each other's submission do so in writing by to the board of selectman by 12:00pm April 1, 2015. Recommend that the board continued its recessing of the public hearing until receipt of the briefings and until weather clears. We stand in recess on this issue.

Selectman Woolsey: watch channel 22 for rebroadcast of the public meeting for this issue.

## VII. Town Manager's Report

1. The Town has received from the Health Trust a refund of \$360,423.17 for medical and dental refunds that will be distributed to the General Fund as revenue, to our retired and to our current employees who are enrolled in health and dental coverage's. Distribution will be made as soon as the Finance Department has completed calculating and verifying the distribution by groups.
2. The SRF Loan Agreement has been completed for the new sludge handling equipment at the Waste Water Treatment Plant. The loan, including interest, is for \$1,661,642.37 and runs through 2034.
3. Snow removal and handling continues. We should have final figures for all cost including Public Works, Contractors, Police and Fire Departments once operations have been completed. We are still awaiting information on whether or not funds will be recoverable under State and Federal Disaster Aid Programs.
4. Please remember that the Annual Town Election and ballot voting on warrant articles is Tuesday, March 10, 2015 at the Winnacunnet High School Cafeteria from 7AM to 8PM.
5. There was concern over the fact that we don't have a fire apparatus capital reserve fund, that was abolished that last year at town meeting at the request of several boards and committees; if there is a need I suggest we start saving a small amount every year

instead of having to appropriate \$700,000-\$1,000,000 for a piece of equipment all at once.

Selectman Woolsey: the SRF loan agreement item 2; is it another case where we are not getting our funding from the state? Town Manager Welch: Hampton is one of the few towns that were included in total appropriation for the SRF funding.

Selectman Woolsey: they still owe us? Town Manager Welch: yes they do; these run on for 20 years and they are going to be paying us; the ones they are funding will continue.

Selectman Woolsey: we have stuff that has been completed that they owe us money for.

Town Manager Welch: we received money last year and the year before; the year before was not a total payment; but last year was a total payment; hopefully it continues.

Chairman Bean: Mr. Mackensen sent investment policy and report of the trust and capital reserve fund; have close to \$20,000,000 in the piggy bank; does not include our undesignated fund balance; can we put it on agenda next week and have someone from the Mackensen & Company come in; have board prepare questions on how to better utilize funds.

### VIII. Old Business

Selectman Woolsey: have we responded yet to the request from the police unions to negotiate? Town Manager: we have not, but will do that.

Selectman Woolsey: meeting with planning board; we promised them to hold a meeting to discuss lighting and drainage; would be nice to sit down with them.

Chairman Bean: my understanding is that it is not open to public; my personal opinion to have two board meeting I don't see much good coming out of this; happy to meet with a very limited agenda; planning board makes their own decisions; we have a liaison.

Selectman Griffin: they do not want to meet; unless in public.

Chairman Bean: it seems pretty complex and I do not see benefit to meeting and hashing of grievances between two boards.

Selectman Woolsey: it is not a matter of grievances; it is clarifying a position of this board related to expenses that we can potentially incur by action of the planning board.

Chairman Bean: if the board has a preference; if there is a motion we will entertain a motion; and if motion carries we will do it; but the planning board has said they don't want to meet unless it is in public, is that correct?

Selectman Griffin: yes.

Attorney Gearreald: it is up to the boards to do it either way you like; the planning board had asked for outside attorney; questions that were phrased in a certain way that seemed to have a slant to it; they asked the outside attorney whether or not the manager could override their regulations; that was a confrontational way of phrasing it; not very productive use of the Manager's time.

Chairman Bean: if there is a motion to meet in public; I don't support it; but if there is a motion please make it please.

Selectman Woolsey MOVED to invite the planning board for a public work session regarding the need and understanding of their aspects of plans that might involuntarily impact town spending SECONDED by Selectman Waddell

Selectman Waddell: if this over the street lights and the drainage; Mark Gearreald added fire hydrants actually.

Selectman Griffin: fire hydrants have been clarified.

Selectman Waddell: if they are putting street lights in; the question of whether they do have the right and do we have the right to refuse.

Town Manager Welch: technically you do have authority RSA 3195e; property being given to the town by a private individual who develops the property and the planning board desire to have street lights on the streets that are developed; they have a right to ask for it although it is not in their regulations; a number of issues here to obligate the town to hundreds of thousands of dollars; if we continue to put up street lights that is a board decision because I have to overspend the appropriation authorized by the town to pay for them; budget \$200,000 per year spending \$218,000 and the electric rates are going up; will have to come to the selectman to ask for authority to overspend a line item in the budget; can't keep on doing indefinitely; overspending that budget; these are underground distribution system if anything goes wrong will have to dig the whole street up; expensive; would have to hire electrical contractor to maintain because we do not have manpower or equipment to do it; the street lights would be ours; not sub-dividers and we would have to maintain.

Selectman Griffin: the primary feeling that I get, is the Planning Board thinks that this is a small price for the town of Hampton to pay; the figure all the homes are going to bring a large amount of money in and that they should have these things; tried to explain that the board of selectman looking at a much bigger picture; they do not agree.

Selectman Woolsey: in light of Mr. Griffin's comment, the developments may bring in taxable property; brings in more traffic, more people; more demand of services; all without an impact fee, which the planning board asked for in 2002; settle now so there is a specific guideline; unnecessary expenditures; clear guidance from here on what can be approved by them; courtesy and will clarify; so there are no more of these messes.

Selectman Griffin: the Planning Board is directly in opposition; we can extend an offer to invite them; has the town planner sent an invitation? Town Manager Welch: no, he wants to know what the selectman would like to do on behalf of the board.

Attorney Gearreald: the outside council opinion that I referred too, suggests that the planning board can require through its subdivision regulations street lights to be located as they wish, just as fire hydrants are; but the subdivision regulations do not require fire hydrants.

Chairman Bean: specific matters of law; specific empowerments to Boards, specific empowerments to authorize only selectman to expend town funds, we do not have the laws before us.

Selectman Bridle: we need to get some dialog going back and forth; do we wait until after the election.

Chairman Bean: will you withdraw that motion until after the election?

Selectman Woolsey withdrew her motion.

Chairman Bean: can you bring it up at the meeting following the election? Selectman Woolsey: yes, I just don't want it slipping through the cracks.

Chairman Bean: will you prepare the RSA and legal issues to be addressed and get those to the board? Attorney Gearreald: yes.

Selectman Griffin: I will bring that up to the board this week.

#### IX. New Business

Selectman Woolsey: I just want to make you aware as I am your representative on the conservation commission; we met and had a presentation for a revised plan for a seawall revamp at 1030 Ocean Boulevard; we had problem on 1042 as contractor built it the way he wanted; also different design; plans should have consistent design; suggested that they approach planning board to have consistent plans drawn up by area; potential for damage if not built consistently.

#### X. Closing Comments

Selectman Woolsey: when are we getting the letter on the joint operation plan out? Town Manager Welch: when we get some sanity restored.

Selectman Woolsey: we are not doing to let that drop off the radar? Town Manager Welch: no.

Selectman Griffin: wishes DPW luck with the upcoming snow storms.

Selectman Bridle: a reminder that voting is next Tuesday at the Winnacunnet cafeteria.

#### XI. Adjournment

Attorney Gearreald: suggest that board move to go into nonpublic session RSA 91A:3,II,c matters which if discussed in public would likely adversely affect the reputation of any person and RSA 91A:3,II,e consideration or negotiation of pending claims or litigation.

Selectman Woolsey MOVED to enter into nonpublic session under RSA 91A:3,II,c and RSA 91A:3,II,e and asked for roll call at 09:27 PM SECONDED by Selectman Bridle.

VOTE BY ROLL CALL: 5-0-0

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Chairman